

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH McDANIELS,

Plaintiff,

v.

TOM SUSS, *et al.*,

Defendants.

Case No. C07-5221RBL

ORDER

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Before the court is plaintiff's motion asking the court to allow depositions be taken telephonically and tape recorded (Dkt. # 15). Defendants have filed a response objecting to the motion on the grounds that they have agreed to the taking of the deposition telephonically with the depositions being tape recorded (Dkt. # 16).

The motion is **DENIED AS MOOT**. Given counsel's letter to Mr. McDaniels it does not appear a court order is needed (Dkt. # 15, exhibit A). The court expects the depositions to take

1 place prior to the December discovery cut off date.

2 The Clerk of Court is directed to send a copy of this Order to plaintiff and to counsel for
3 defendant(s).

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5 DATED this 1 day of October, 2007.

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8 /S/ J. Kelley Arnold

9 J. Kelley Arnold

10 United States Magistrate Judge
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